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February 14, 2003

**VIA CERTIFIED MAIL**  
**and ELECTRONIC MAIL**

Mr. Mike Ribordy  
United States Environmental  
Protection Agency  
77 West Jackson Boulevard, SR-6J  
Chicago, Illinois 60604-3590

Re: Unilateral Administrative Order  
Sauget Area 2 Site

Dear Mike:

This response is filed on behalf of Disposal Service Company ("DSC"), one of the Respondents named in the Unilateral Administrative Order ("UAO") dated October 3, 2002 regarding the Sauget Area 2 Site Groundwater Operating Unit. This response is timely filed consistent with extensions issued by William H. Muno authorizing filing of this response on or before February 14, 2003. It serves to satisfy the obligations set forth in Paragraph 99 of the UAO. Nothing contained herein nor the filing of this response shall be construed as a waiver of any legal or equitable rights.

DSC was dissolved in the 1970s and therefore no longer exists. This alone should serve as a good faith basis not to comply with the UAO. However, in addition, the actions contemplated by the UAO are not designed to address any activity allegedly connected to DSC.

The UAO calls for the construction of a U shaped barrier designed to abate the release of impacted groundwater from Site R and the northern dog leg of Site Q. Clearly, DSC is neither an owner nor an operator of Site R or Site Q. Further, there is no allegation or any evidence to support any allegation that DSC ever owned any hazardous substances which were disposed at Site R, ever transported any hazardous substances for disposal at Site R, or ever arranged for disposal of any hazardous substances for disposal at Site R. In fact, we understand Monsanto

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owned Site R and used it as its landfill for toxic material generated at its Krummrich and Queeny plants.

EPA has alleged DSC transported material for disposal at Site Q. These activities allegedly took place between 1970 and 1972. There is no evidence to support any allegation that DSC ever transported any material for disposal at Site Q prior to 1970. Further, DSC hauled general trash and refuse and was not in the business of hauling hazardous substances or hazardous waste for disposal. We understand its customers were primarily residential and commercial accounts, not industrial. While some industrial accounts were serviced, there is no credible evidence to support hazardous substances were ever transported for disposal.

The timing of any disposal activities at Site Q also confirms that the work contemplated under the UAO is not designed to address any material which DSC may have transported to the Site. Review of aerial photos taken along the Mississippi River and focusing on the areas designated as Site Q show landfilling activities were conducted north to south. Landfilling first began in the northern dog leg of Site Q (adjacent to Site R) and then proceeded southward toward the area described as southern Q. Aerial photos from the early 1970s show very little activity within the dog leg, and more substantial activity, at least by comparison to the dog leg, within southern Q. To the extent DSC transported any material to Site Q in the early 1970s, these materials likely were disposed in southern Q, outside of the zone of impacted groundwater which the curtain wall is designed to address. Accordingly, DSC has sufficient cause and a good faith basis not to comply with the UAO.

We are also submitting under separate cover a Certificate of Records Non-Destruction as set forth in the UAO.

Very truly yours,

THE STOLAR PARTNERSHIP

By: 

Dale E. Hermeling